

# **ALABAMA BOARD OF NURSING**

## **REGULAR BOARD MEETING**

Fiscal Year 2011-2012

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

June 21, 2012

### **I. CALL TO ORDER**

#### **A. Roll Call**

The meeting was called to order at 10:45 a.m. on June 21, 2012 following the Sunset Review of the Board by the Legislative Sunset Committee. The following Board members were present: Amy Price, MSN, RN, President; Martha G. Lavender, RN, DSN, Vice-President; Melissa Bullard, LPN; Miriam Ellerbe, LPN; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Francine Parker, EdD, MSN, RN; Lynda F. LaRue, RN, ADN, CMTE; Carol Stewart, CRNP, MSN, and E. Laura Wright, MNA, CRNA, PhD. Genell Lee, MSN, RN, JD, Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Charlene Cotton, MSN, RN, Advanced Practice; Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Robert Rollins, IT Systems Specialist Associate; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, General Counsel.

#### **B. Declaration of Quorum**

A quorum was declared with ten Board members present. Pamela Autrey, PhD., MSN, RN; Gregory D. Pugliese, JD, Secretary; and Catherine Dearman, RN, PhD was not present for the meeting.

#### **C. Statement of Compliance with Open Meetings Act**

Prior notice of this meeting was posted on the Secretary of State's web site in accordance with the Alabama Open Meetings Act.

D. Review of Agenda

1. Additions, Modifications, Reordering

2. Adoption of Consent Agenda

The following item was accepted on the Consent Agenda:

III.A. Education Committee Report

**On June 21, Ms. LaRue moved that the Board adopt the Consent Agenda. Ms. Hopkins seconded. Motion carried without objection.**

3. Adoption of Agenda

**On June 21, Ms. Bullard moved that the Board adopt the Agenda, as amended. Mr. Howard seconded. Motion carried without objection.**

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Cotton reported that the roster includes thirty-two applications for collaborative practice that meet the criteria for fast track approval without Joint Committee Review. The Board of Medical Examiners (BME) met on June 20, 2012.

Ms. Cotton provided copies of the roster for the Board's information and review.

**On June 21, Mr. Howard moved that the Board approve the applicants for collaborative practice as listed in the roster. Dr. Wright seconded. Motion carried without objection.**

B. Request for Approval to Perform Axillary Botox Injection for Hyperhidrosis

Ms. Cotton reported that prior to 2004, there was no prohibition on administration of botox by RNs and LPNs at the direction of a physician. The BME responded to an inquiry in 2004, and published their response that the BME considers the procedures to be the practice of medicine and must be performed by a licensed physician.

Ms. Cotton reported that Diantha Miller, CRNP, and William Staggers, MD, requests approval for Ms. Miller to perform Axillary Botox® injections for treatment of hyperhidrosis. Dr. Staggers is Board certified in Plastic and Reconstructive Surgery. Ms. Miller is certified as a nurse practitioner in Adult Acute Care and Pediatrics. She served on the Joint Committee for Advanced Practice Nurses from 2001 through 2007. Her practice experience includes sixteen years in ENT, cosmetic surgery, aesthetics, and cosmetic laser procedures. She provided consultation to the BME during the development of BME rules on delegation of laser procedures.

Upon approval by the ABN, axillary botox injection will be presented to the Joint Committee for consideration in the proposed collaboration. However, the BME may deny the physician's request to delegate the procedure to the CRNP.

Ms. Cotton provided copies of the BME opinion on botox and filters, BME assisting physician with botox, Miller and Staggers botox procedures, botox to axilla illustration, and standards protocol for CRNP for the Board's information and review.

The Board reviewed and discussed the information provided.

**On June 21, Dr. Lavender moved that the Board approve Axillary Botox injection for Hyperhidrosis by CRNP in collaborative practice and recommend Joint Committee approval of the protocol proposed by Diantha Miller, CRNP, and William Staggers, MD. Mr. Howard seconded. Motion carried without objection.**

C. Federal Practice – Waive Collaboration Rule

Ms. Cotton reported that the Tuscaloosa VA Medical Center (VAMC) has opened a Community Based Outreach Clinic in Selma. Sarah Franklin, CRNP, received approval for collaborative practice in this Federal facility with a physician who does not hold an Alabama license. Dr. Martin Schnier holds an unrestricted license in Florida.

Mr. Alan Tyler, Director of the Tuscaloosa VAMC, requested a waiver of the ABN Rule 610-X-5-.08(4), with respect to Dr. Schnier and the Selma clinic. The rule requires the CRNP to have time together with the collaborating physician, equal to 10% of the CRNPs scheduled hours. The rule also requires the physician to visit the remote site at least quarterly. The BME acknowledged that Dr. Schnier is not subject to the jurisdiction of the BME.

Current VA policy requires advanced practice nurses to comply with the state law and requirements for the state board of nursing that issued the individual's approval for advanced practice nursing. The Department of Veterans Affairs is developing a nationwide policy that will affirm Federal supremacy and allow registered nurses to receive institutional credentials as advanced practice nurses within the VA system based on education and certification, without state level authority for advanced practice nursing.

Ms. Cotton provided copies of the Tuscaloosa VA request, BME response, and the application for the Board's information and review.

The Board reviewed and discussed the information provided.

Mr. Howard recused himself from the discussion and vote.

**On June 21, Ms. Stewart moved that the Board waive the requirement for Sarah Franklin, 1-042714, to be present in an approved practice site with the collaborating physician Dr. Martin Schnier for not less than 10% of her scheduled hours in the Selma Community Based Outreach Clinic of the Tuscaloosa Veteran's Affairs Medical Center. Ms. LaRue seconded. Motion carried without objection.**

### III. EDUCATION

#### A. Education Committee Report

The Education Committee Report was accepted, as information, on the Consent Agenda.

#### B. Virginia College – Montgomery ADN Program

Ms. Lee reported that Virginia College – Montgomery received provisional approval for an associate degree nursing program in September 2008. The first graduates took the NCLEX-RN® in FY 2011. The FY 2011 NCLEX-RN® pass rate results were 57.1% for first-time writers. Virginia College – Montgomery received a Notice of Deficiency, Continued Provisional Status, with September 30, 2012 as the specific time period to correct the deficiency. An improvement plan was due to the Board no later than May 7, 2012.

The NCLEX-RN® pass rate for the first two quarters of FY 2012 is 80%.

Ms. Lee provided copies of the improvement plan for the Board's information and review.

Dr. Linda Gipson, Program Director, conducted a power point presentation and answered questions from the Board.

C. Virginia College – Birmingham ADN Program

Ms. Lee reported that Virginia College – Birmingham received provisional approval from the Board for an associate degree nursing program. The first-time writers' scores on the NCLEX-RN® for FY 2011 was 27.1%. Virginia College – Birmingham received a Notice of Deficiency, Continued Provisional Approval, with September 30, 2012 as the time specified to correct the deficiency. An improvement plan was due to the Board no later than May 7, 2012.

The FY 2012 NCLEX-RN® pass rate for the first two quarters is 66.7%.

Ms. Lee provided copies of the improvement plan for the Board's information and review.

Michelle Stubbs, Associate Dean of Nursing, conducted a power point presentation and answered questions from the Board.

D. Chattahoochee Valley Community College ADN Program

Ms. Lee reported that Chattahoochee Valley Community College ADN Program has had NCLEX-RN® scores that fluctuate. The FY 2011 NCLEX-RN® scores for Chattahoochee Valley Community College ADN Program graduates was 74.4%. Chattahoochee Valley ADN Program received a Notice of Deficiency and was advised by the Board to submit an improvement plan no later than May 7, 2012. Chattahoochee Valley Community College ADN Program has not had any graduates test in the first two quarters of FY 2012.

Ms. Lee provided copies of the improvement plan for the Board's information and review.

Resa Lord, Chairperson, Health Sciences, reviewed the improvement plan and answered questions from the Board.

#### IV. REPORTS OF MEETINGS ATTENDED

##### A. NCSBN APRN Roundtable

Dr. Lavender reported on her attendance at the NCSBN APRN Roundtable meeting.

##### B. Regional Action Coalition

Dr. Lavender provided an update on the Regional Action Coalition. Dr. Lavender reported that the Coalition wants to add workforce questions to 2012 RN renewal.

Copies of the proposed workforce questions were provided for the Board's information and review.

The Board reviewed the additional questions and had no concerns.

#### V. NCSBN

##### A. Election of Delegates to Annual Meeting

Ms. Lee reported that the Board is a member of the National Council of State Boards of Nursing (NCSBN). The Annual Meeting is scheduled for August 8-10, 2012 in Dallas, Texas. As a member, the Board has elected delegates vote on issues before the Delegate Assembly. Each Board has two delegates. The Board historically elects two alternate delegates to replace delegates in the event one or both delegates are unable to attend.

Dr. Lavender nominated Ms. Stewart and Mr. Howard as delegates.

**On June 21, Dr. Lavender moved that the Board nominate Ms. Stewart and Mr. Howard as Delegates. Ms. LaRue seconded. Motion carried without objection.**

Dr. Lavender nominated Ms. Bullard and Ms. Hopkins as alternate delegates.

**On June 21, Dr. Lavender moved that the Board nominate Ms. Bullard and Ms. Hopkins as alternate delegates. Ms. LaRue seconded. Motion carried without objection.**

B. Summary of Recommendations to Annual Meeting

Ms. Lee reported that NCSBN sends out recommendations anticipated to come before the Delegate Assembly at the Annual Meeting. The Boards then have time to review the issues prior to attending the Delegate Assembly.

Ms. Lee provided copies of the Summary of Recommendations to the Delegate Assembly; proposed changes to the Model Practice Act; proposed changes to the Model Rules; proposed 2013 NCLEX-RN® Test Plan; and the slate of candidates for the Board's information and review.

The Board reviewed and discussed the Summary of Recommendations.

VI. BOARD TRAVEL

A. 2012 NCSBN Annual Meeting, Dallas, TX – August 8-10, 2012

Mr. Howard, Ms. Hopkins, Ms. Stewart, and Ms. Bullard were approved to attend.

VII. POLICY

A. Final Certification, ABN Administrative Code, Rule 610-X-3-.05, Outcome Standards

Ms. Lee reported that the Board approved amendments to Rule 610-X-3-.05, Outcome Standards, at the April 2012 Board meeting. The proposed rule amendments were filed with the Alabama Legislative Reference Service and published in the April 30, 2012 *Alabama Administrative Monthly*. Proposed rules were posted on the Board's web site and sent via electronic mail to the nursing education programs. The deadline for comments was June 4, 2012.

Ms. Lee provided copies of the proposed amendments and the comments received for the Board's information and review.

The Board reviewed and discussed the proposed amendments.

**On June 21, Dr. Lavender moved that the Board approve, as final certification, ABN Administrative Code, Rule 610-X-3-.05,**

**Outcome Standards. Mr. Howard seconded. Motion carried without objection.**

B. Final Certification, ABN Administrative Code, Rule 610-X-3-.06, Deficiencies

Ms. Lee reported that the Board approved amendments to Rule 610-X-3-.06, Deficiencies, at the April 2012 Board meeting. The proposed rule amendments were filed with the Alabama Legislative Reference Service and published in the April 30, 2012 *Alabama Administrative Monthly*. The proposed rules were posted on the Board's web site and sent via electronic mail to the nursing education programs. The deadline for comments was June 4, 2012.

Ms. Lee provided copies of the proposed amendments and the comments received for the Board's information and review.

The Board reviewed and discussed the proposed amendments.

**On June 21, Dr. Wright moved that the Board approve, as final certification, ABN Administrative Code, Rule 610-X-3-.06, Deficiencies. Mr. Howard seconded. Motion carried without objection.**

C. Amend ABN Administrative Code, Rule 610-X-5-.08 and.19, Requirements for Collaborative Practice

Ms. Cotton reported that the Alabama Board of Medical Examiners (BME) adopted rule amendments to clarify the use of electronic medical records for documentation of medical direction and quality review. Although electronic records and signatures have never been excluded or restricted by the present rule, BME received questions and requests to clarify the rule in subsection (9)(g).

Ms. Cotton provided copies of the proposed amendments and the amended BME Rules 540-X-8-.08 and 540-X-8-.22 for the Board's information and review.

The Board reviewed and discussed the proposed amendments.

**On June 21, Dr. Wright moved that the Board approve amendments to ABN Administrative Code, 610-X-5-.08, Requirements for Collaborative Practice by Physicians and CRNPs, and 610-X-5-.19, Requirements for Collaborative Practice by Physicians and CNMs. Ms. Hopkins seconded. Motion carried without objection.**



D. Proposed Changes to Hospital Licensure Rules

Ms. Lee reported that the Alabama Department of Public Health is in the process of changing the hospital licensure rules. She provided comments during the drafting of the rules. A public hearing was held on June 19, 2012 and Dr. Jeffrey Plagenhoef provided comments which would restrict CRNA practice.

Ms. Lee reported that she sent the proposed rule changes along with the comments to the Alabama Association of Nurse Anesthetists.

Ms. Lee provided copies of the proposed rules for the Board's information and review.

The Board reviewed the proposed rules.

Ms. Lee reported that she is going to provide written comments to address Dr. Plagenhoef's comments.

VIII. OLD BUSINESS

A. Executive Officer Response to Evaluation

Mr. Howard reported that Ms. Lee wrote a response to her evaluation and the Board never addressed her response. In addition, Mr. Howard reported that the response contained questions and the Board needs to justify what was submitted.

Ms. Price reported that the Board is not obligated to respond to the questions that are included in the response to the evaluation. The evaluation and the response stands on its own.

After a brief discussion, the Board did not discuss Ms. Lee's response to her evaluation.

IX. NEXT MEETING DATE: July 19-20, 2012, 9:00 a.m., RSA Plaza, Suite 350, 770 Washington Avenue, Montgomery, AL

X. OTHER

- The Board attended the Sunset Review until 10:30 a.m.
- Ms. Lee reviewed the process for provisionally approved nursing

programs with deficiencies.

- Ms. Lee reported that the Board will not know the outcome of the Sunset Review until the next legislative session.
- Ms. Lee asked the Board to consider holding public hearings across the state for controversial issues such as the nurse practitioner bill.
- Ms. Lee reported that Honor Ingels is the part-time Governmental Relations Manager.

#### XI. BOARD MEETING DEBRIEFING

#### XII. ADJOURNMENT

The meeting adjourned at 1:59 p.m. on June 21, 2012.

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Amy Price, President

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Greg Pugliese, Secretary

Submitted by: \_\_\_\_\_  
Leslie Vinson, Recorder  
6/21/2012